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Docket No. 38-21(52743)B

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of Jindong Sun *et al.*
Serial No. 10/783,710
Filed: 02/21/2004
For: Transgenic Plants

Art Unit: 1638
Examiner: David H. Kruse

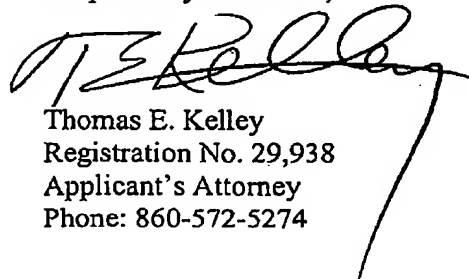
Response to Restriction Requirement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Applicant traverses the restriction requirement set out in the office action mailed 09/25/2006 as not being directed to the pending claims as preliminarily amended with the response to the Notice to File Missing Parts. Reference is made to the attached listing of claims which was submitted with a communication mailed October 4, 2004 and titled "Response to Notice to File Missing Parts – Preliminary Amendment". In the pending claims the claimed subject matter is characterized solely by SEQ ID NO:11 and not by any of SEQ ID NO:1, 2, 3 or 12. Thus, applicant submits that the restriction based on SEQ ID NO:1, 2, 3 or 12 is moot. Reconsideration and withdrawal of the restriction requirement is respectfully requested.

I certify that this communication (3 pages) is being facsimile transmitted to the USPTO via the central FAX number, i.e. 571-273-8300, on November 21, 2006.

Respectfully submitted,



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